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FISCAL IMPACT STATEMENT

LS 6872

BILL NUMBER: SB 399

NOTE PREPARED: Mar 10, 2010

BILL AMENDED: Mar 10, 2010

SUBJECT: Court Fees.

FIRST AUTHOR: Sen. Young R Michael

FIRST SPONSOR: Rep. Summers

BILL STATUS: Enrolled

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill provides the following caps on the amount that a person who has committed a moving violation that is a Class C infraction may be required to pay:

- (1) Court costs plus a judgment of not more than \$35.50 if the person admits the violation before the person's court date.
- (2) Court costs plus a judgment of not more than \$35.50 if the person admits the violation on the day of the person's court date.
- (3) Court costs plus a judgment of not more than \$35.50, if the person contests the violation in court, is found to have committed the violation, and has not contested and been found to have committed another moving violation in the previous five years.
- (4) Court costs plus a judgment of not more than \$250.50 if the person has contested and been found to have committed one moving violation in the previous five years.
- (5) Court costs plus a judgment of not more than \$500 if the person has contested and been found to have committed two or more moving violations in the previous five years.

The bill specifies that court costs include fees.

It also specifies that the maximum amounts do not include any amount that a person may be required to pay to attend a defensive driving school program.

Effective Date: July 1, 2010; January 1, 2011.

Explanation of State Expenditures:

Explanation of State Revenues: In counties other than Marion County, fine revenue deposited in the state General Fund may be reduced if the judgment schedule in the bill garners less fine revenue than the county would otherwise impose. The available data are insufficient to estimate the amount of the change in revenue in counties other than Marion County.

Background - Fine Revenue: The maximum judgment for a Class C infraction is \$500, which is deposited in the state General Fund. Under the bill, the maximum fine would be \$35.50. [Marion County would retain the fine revenue, while other counties would deposit the revenue in the state General Fund.] The average fine collected for a Class C infraction is not available because infraction revenue is recorded in total. On average between FY 2005 and FY 2009, revenue to the state General Fund from all infractions was \$13.2 M per year.

There are an estimated 130 violations of the motor vehicle laws for which the penalty is a Class C infraction and for which citations are tracked at the BMV. In 2008, it is estimated that there were 833,057 people cited for one of these violations, and of those, 775,295 pled or were found guilty. [BMV information was incomplete for some records concerning the infraction class. For this analysis, it is assumed that a label of infraction indicated a Class C infraction.]

Court Costs: A court fee of \$70 may be assessed if a violation is entered, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), the public defense administration fee (\$3), the court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. This would remain unchanged.

Explanation of Local Expenditures:

Explanation of Local Revenues: *Marion County:* Judgements for traffic violations of \$35.50 collected in Marion County will continue to be paid into a special county fund used to pay the compensation of court commissioners or to pay costs of the county's guardian ad litem program. The dedicated fund does not revert to the county or state General Fund at the end of the year. [The dedicated fund and the \$35 amount were established in HEA 1154 of 2010, which was treated as existing law and amended under this bill.]

Court Costs: Court costs would remain unchanged and local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: *BMV Citation Report.*

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